



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: State Board of Health

- ☒ Preproposal Statement of Inquiry was filed as WSR 05-17-119 ; or
☐ Expedited Rule Making-Proposed notice was filed as WSR ; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR
☐ Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-500 Handling of Human Remains: Adopt new chapter 246-500 WAC, Handling of Human Remains, and repeal sections 001, 040, 050, and 060 in chapter 246-490 WAC, Vital Statistics, regarding human remains handling.

Hearing location(s):

Best Western Harbor Plaza, 33175 State Route 20, Oak Harbor, WA 98277.

Submit written comments to:

Name: Ned Therien

Address:

PO Box 47990, Olympia, WA 98504-7990

Web site: <http://www3.doh.wa.gov/policyreview/>**fax:** 360-236-4088 **by (date)** 07/03/2006**Date:** July 12, 2006 **Time:** 1:30 PM**Date of intended adoption:** 07/12/2006

(Note: This is NOT the effective date)

Assistance for persons with disabilities: Contact

Desiree Robinson by 06/30/2006

TTY (800) 833-6388 or () 711

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This proposal would: (1) revise rules of the State Board of Health for human remains handling to reflect changes in RCW 18.39.215; (2) move human remains provisions in chapter 246-490 WAC to a new chapter 246-500 WAC; (3) better reflect the religious diversity of the population of Washington and goals of the State Constitution, Article 1, Section 11, Religious Freedom; (4) implement the waiver clause in RCW 18.39.215 to allow funeral directors and embalmers to remove unembalmed human remains from refrigeration for a maximum of 24 hours for specified activities, unless directed otherwise by a local health officer or medical examiner; (5) authorize local health officers to impose emergency provisions or suspend provisions; (6) update for clarity.

Reasons supporting proposal:

This rule revision is necessary: (1) to update rules of the State Board of Health to be consistent with changes to law made by SSB 5752 in 2005; (2) better respect religious beliefs for the handling of human remains according to constitutional provisions; (3) implement the waiver clause in RCW 18.39.215 to allow handling of unembalmed human remains out of refrigeration for activities necessary for final disposition and according to religious beliefs; (4) give local health officers specific authority in emergency situations.

Statutory authority for adoption:

RCW 43.20.050

Statute being implemented:

RCW 18.39.215

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE

6/6/06

NAME (type or print)

Craig McLaughlin

SIGNATURE**TITLE**

Executive Director

CODE REVISER USE ONLYCODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 7 2006

TIME

1001

AM
PM

WSR

06-12-113

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Under RCW 18.39.410, it is unprofessional conduct for a funeral director or embalmer to violate any regulation affecting the handling of human remains. The Department of Licensing regulates activities of funeral directors and embalmers and enforces RCW 18.39.410 for the Board of Funeral Directors and Embalmers. Under chapter 70.58 RCW, death certificates, burial-transit permits, and notices of removal are required. The Department of Health implements these provisions in association with local registrars.

Name of proponent: (person or organization)

State Board of Health and Yakama Nation

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:**Name****Office Location****Phone**

Drafting	Ned Therien	State Board of Health, 101 Israel Rd SE, Tumwater, WA 98501	360-236-4103
Implementation	Philip Freeman	Dept. of Health, 101 Israel Rd SE, Tumwater, WA 98501	360-236-4330
Enforcement	Philip Freeman	Dept. of Health, 101 Israel Rd SE, Tumwater, WA 98501	360-236-4330

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone:

fax:

e-mail:

☒ No. Explain why no statement was prepared.

No additional costs are imposed on small businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes. A preliminary cost-benefit analysis may be obtained by contacting:

Name: Ned Therien

Address:

PO Box 47990, Olympia, WA 98504-7824

phone: 360-236-4103

fax: 360-236-4088

e-mail: ned.therien@doh.wa.gov

☐ No. Please explain:

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-490-001	Legal authorities.
WAC 246-490-040	Handling and care of human remains.
WAC 246-490-050	Transportation of human remains.
WAC 246-490-060	Cremated remains.

Chapter 246-500 WAC

HANDLING OF HUMAN REMAINS

NEW SECTION

WAC 246-500-010 Definitions. (1) "Barrier precaution" means protective attire, equipment, or other physical barriers worn to protect or prevent exposure of skin and mucous membranes of the wearer to infected or potentially infected blood, tissue, and body fluids.

(2) "Burial transit permit" means a form, approved and supplied by the state registrar of vital statistics as described in chapter 70.58 RCW, identifying the name of the deceased, date and place of death, general information, disposition and registrar and sexton information.

(3) "Coroner" means the county official as described under chapter 36.24 RCW and RCW 36.16.030.

(4) "Department" means the Washington state department of health.

(5) "Embalmer" means a person defined and licensed under chapter 18.39 RCW.

(6) "Funeral establishment" means a place of business defined and licensed under chapter 18.39 RCW.

(7) "Funeral director" means a person defined and licensed under chapter 18.39 RCW.

(8) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care, including persons credentialed in Washington state under Title 18 RCW and military personnel providing health care within Washington state regardless of licensure.

(9) "Human remains" or "remains" means the body of a deceased person, in any stage of decomposition, and includes cremated human remains.

(10) "Local health officer" means a licensed physician defined and appointed under RCW 70.05.050.

(11) "Local registrar of vital statistics" means the local health officer or administrator who registers certificates of birth and death occurring in his or her designated registration district under chapter 70.58 RCW.

(12) "Medical examiner" means a physician appointed by the county legislative authority to replace the coroner under RCW 36.24.190.

(13) "Refrigerate" means:

- (a) Placing in a mechanically cooled unit maintained at a maximum temperature of 48°F in a licensed funeral establishment; or
- (b) Placing in a mechanically cooled unit maintained at a maximum temperature of 48°F or packing in dry ice outside of a funeral establishment.

NEW SECTION

WAC 246-500-020 Contact with human remains. (1) Funeral directors, embalmers, medical examiners, coroners, health care providers, and others directly handling or touching human remains must:

(a) Wash hands and other exposed skin surfaces with soap and water or equivalent immediately and thoroughly after contact with human remains, blood, or body fluids;

(b) Use barrier precautions if a procedure involves potential contact with blood, body fluids, or internal tissues of the deceased;

(c) Not eat, drink, or smoke in areas where handling of human remains or body fluids takes place;

(d) Use reasonable precautions to prevent spillage of body fluids during transfer and transport of human remains including, when necessary:

(i) Containing, wrapping, or pouching with materials appropriate to the condition of the human remains; and

(ii) Obtaining approval from the coroner or medical examiner prior to pouching any human remains under their jurisdiction;

(e) Wash hands immediately after gloves are removed;

(f) Take precautions to prevent injuries by needles, scalpels, instruments, and equipment during use, cleaning, and disposal;

(g) Properly disinfect or discard protective garments and gloves immediately after use;

(h) Properly disinfect all surfaces, instruments, and equipment after contact with human remains, blood, or body fluids;

(i) Provide appropriate means for disposing of body fluids, blood, tissues, and wastes or for retaining them for final disposition with the body.

(i) All autopsy rooms, morgues, preparation rooms, and other places where human remains are handled must be equipped with impervious containers with disposable, impervious liners and tightly fitting closures.

(ii) Body fluids, blood, tissues, and wastes removed from human remains must be kept with the body or disposed in accordance with local ordinances and other applicable laws and rules for infectious waste.

(iii) A sewage system approved by the local health officer or the department may be used for the disposal of blood and other body

fluids.

(iv) All containers and liners used to receive solid or fluid materials removed from human remains must be cleaned and disinfected immediately after use, interred with the body, or disposed in accordance with local ordinances and other applicable laws and rules for infectious waste.

(2) Persons responsible for transfer or transport of human remains must clean and disinfect equipment and the vehicle if soiled with body fluids or any other portion of human remains.

NEW SECTION

WAC 246-500-030 Refrigeration or embalming of human remains.

(1) Funeral directors, embalmers, and others assisting in the preparation of human remains for final disposition must refrigerate or embalm the remains upon receipt.

(2) Funeral directors, embalmers, and others assisting in the preparation of human remains for final disposition may delay refrigeration upon receipt or remove human remains from refrigeration for the following activities:

(a) Embalming;

(b) Transporting;

(c) Cremating or burying;

(d) Viewing for identification for a period of time not to exceed one hour by a person able to identify the deceased;

(e) Washing, anointing, clothing, praying over, reading to, singing to, sitting with, guarding, viewing, or otherwise accompanying the deceased for a period of time not to exceed twenty-four hours by persons acting according to the directions of the deceased or the person having the right to control the disposition of the remains under RCW 68.50.160, provided that anyone directly touching the remains uses barrier precautions according to requirements under WAC 246-500-020 (1)(b); or

(f) As otherwise approved by the local health officer after evaluating specific circumstances, the need to protect public health, and recognition of religious beliefs.

(3) A funeral director, embalmer, or other person assisting in the preparation of human remains for final disposition must prohibit activities otherwise allowed under subsection (2)(e) of this section if informed by a local health officer or medical examiner that such activities would pose a direct threat to human health.

NEW SECTION

WAC 246-500-040 Transportation of human remains. (1) Persons who transport human remains must:

(a) Use effective hygienic measures consistent with handling potentially infectious material; and

(b) Obtain a burial-transit permit from the local health officer or local registrar of vital statistics or file a notice of removal according to requirements of RCW 70.58.230 prior to transporting human remains from one registration district to another.

(2) Prior to transporting human remains by common carrier, the persons responsible for preparing and handling the remains must:

(a) Enclose the human remains in a leak-resistant container placed inside another leak-resistant, securely constructed shipping container to prevent the release of all body fluids;

(b) Obtain and enclose the burial-transit permit in a sturdy envelope; and

(c) Attach the burial-transit permit to the shipping container.

(3) Persons responsible for human remains routed to the point of final destination on a burial-transit permit:

(a) May temporarily hold the remains at a stopover point within the state of Washington for funeral or other purposes without an additional permit; and

(b) Must surrender the burial-transit permit to the sexton or crematory official at the point of interment or cremation.

(4) Sextons and cremation officials shall accept the burial-transit permit as authority for interment in a cemetery or for cremation within the state of Washington.

NEW SECTION

WAC 246-500-050 Cremated human remains. (1) Other than the provisions in this section, this chapter does not apply to human remains after cremation.

(2) A local registrar, in cooperation with the Washington state cemetery board, may issue a permit for disposition of cremated human remains. The permit for the disposition of cremated remains may be used in connection with the transportation of cremated remains by common carrier or other means.

(3) The local registrar or the department of health may issue a permit for the disposition of cremated human remains which have been in the lawful possession of any person, firm, corporation, or association for a period of ninety days or more. This permit will specify that the disposition of cremated remains must be consistent with Washington state laws and rules.

NEW SECTION

WAC 246-500-060 Authority of the local health officer. To protect public health and respond to emergency situations, the local health officer may:

- (1) Impose additional requirements for the handling, care, transport, or disposition of human remains; or
- (2) Suspend any requirements of this chapter.